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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RUSSELL COHN, PATRICIA J. COHN,

Plaintiff,

vs.

CONTRA COSTA HEALTH SERVICES
DEPARTMENT; CITY OF ORINDA,
Does 1 through 50,

Defendants.

Case No. C04-1843 BZ

**PLAINTIFFS' EX PARTE REQUEST
FOR EXTENSION TO FILE
PRETRIAL STATEMENTS, TRIAL
BRIEF, MOTIONS IN LIMINE AND
RELATED MATTERS UNTIL AFTER
DECEMBER 7, 2005
DETERMINATION OF MOTION TO
AMEND AND REOPEN DISCOVERY**

Date Filed (e-file): November 28, 2005
Dept.: Courtroom G, 15th floor, SF
Judge: Hon. Bernard Zimmerman (Magist.)

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSELS OF
RECORD:

Pursuant to Local Rule 7-11, Plaintiffs RUSSELL and PATRICIA COHN
("Plaintiffs") respectfully submit this ex parte application requesting that the compliance date
of December 1, 2005 for filing the pretrial statements, proposed findings of fact, motions in
limine, and all related documents pursuant to this Court's September 20, 2004 order be
extended approximately two weeks to December 15, 2005, pending determination of
Plaintiffs' pending motions for leave to amend, reopen discovery, and continue the trial date.
The pretrial conference is presently set for December 20, 2005. If Plaintiffs' motions are

**PLAINTIFFS' EX PARTE APPLICATION REQUESTING
CONFERENCE**

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1 well-taken, a vastly different pretrial statement, proposed findings of fact, trial brief, exhibit
 2 set, and set of pretrial documents shall be required. If these documents must be submitted
 3 by December 1, 2005, plaintiffs shall incur unnecessary costs in the event their motions are
 4 granted on December 7, 2005, as plaintiffs' counsel will otherwise spend several hours on
 5 11/29 and 11/30 to comply with the existing deadline, and then have to re-do the documents
 6 and briefs to reflect the disposition of the December 7, 2005 matters.

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 8 This ex parte application is respectfully submitted without oral argument for the
 9 Court's decision at the Court's earliest opportunity, and may appropriately be considered a
 10 supplement to the ex parte application filed November 21, 2005.

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 13 Dated: November 28, 2005



14 Andrew W. Shalaby, Attorney for
 15 Plaintiffs

